

PATENT COOPERATION TREATY

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From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

PLUCKROSE, Anthony William
Boulton Wade Tennant
Verulam Gardens
70 Gray's Inn Road
London WC1X 8BT
GRANDE BRETAGNE

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(PCT Rule 71.1)

Date of mailing
(day/month/year)

23.08.2005

Applicant's or agent's file reference
AWP/PEHPG1948W & C

IMPORTANT NOTIFICATION

International application No
PCT/GB2004/002143

International filing date (day/month/year)
19.05.2004

Priority date (day/month/year)
19.05.2003

Applicant

GIBBS TECHNOLOGIES LIMITED et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority



European Patent Office - P.O. Box 5816 Patentlaan 2
NL-2200 LV Rijswijk - Pays Bas
Tel: +31 70 340 3940 1x, 31 651 8900
Fax: +31 70 340 3916

Authorized Officer

Jülich, G

Tel: +31 70 340 3931

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25 AUG 2005

**BOULT WADE
TENNANT**



PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference
AWP/PE/HPG1948

FOR FURTHER ACTION

See Form PCT4PEA/16

International application No
PCTGB2004/002143

International filing date (day/month/year)
19.05.2004

Priority date (day/month/year)
19.05.2003

International Patent Classification (IPC) or national classification and IPC
B60F3/00

Applicant

GIBBS TECHNOLOGIES LIMITED et al.

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☒ sent to the applicant and to the International Bureau a total of sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions)

4. This report contains indications relating to the following items.

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand

18.03.2005

Date of completion of this report

23.08.2005

Name and mailing address of the international preliminary examining authority



European Patent Office - P.O. Box 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel: +31 70 340 - 2040 FX: +31 651 690 01
Fax: +31 70 340 - 3016

Authorized Officer

Cauderlier, F

Telephone No. +31 70 340-3363



INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-13 as originally filed

Claims, Numbers

1-56 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing *(specify)*:
- ☐ any table(s) related to sequence listing *(specify)*:

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing *(specify)*:
- ☐ any table(s) related to sequence listing *(specify)*:

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/GB2004/002143

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-56
	No: Claims	
Inventive step (IS)	Yes: Claims	1-56
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-56
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)

International application No.

PCT/GB2004/002143

Re Item V.

- 1 The following documents are referred to in this communication:
D1 : FR 2 647 060 A (RENK AG) 23 November 1990 (1990-11-23)
- 2 Document D1 is considered to represent the most relevant state of the art, from which the subject-matter of independent claim 1 differs in that:
 - the power transmission means can deliver power from the prime mover to both the marine propulsion means and the land propulsion means when the vehicle is operated in the land mode;
 - the amphibious vehicle is operable either in a marine mode or in a land mode and when the power transmission means transmits power from the prime mover then the transmitted power is transmitted always to the marine propulsion means whether the vehicle is operated in the marine or land mode;The subject-matter of claim 1 is therefore novel (Article 33(2) PCT).
- 2.1 The problem to be solved by the present invention may be regarded as to further develop the known propulsion system especially with respect to the properties of the vehicle when entering into and exiting the water.
- 2.2 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) as none of the available prior art documents suggests to have the power transmitted to the marine propulsion means at all times also when in the land mode.
- 2.3 Claims 2-44 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step. Claims 45 and 46 also meet the requirement of novelty and inventive step, and therefore dependent claims 47 to 53 meet the requirements of the PCT with respect to novelty and inventive step (Article 33(2) and (3) PCT).

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